

## **ORDINANCE NO. 2016-010**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF PROPOSED AMENDMENTS TO THE CITY CHARTER, PURSUANT TO SECTION 166.031, FLORIDA STATUTES, FOLLOWING CITY COMMISSION REVIEW AND CONSIDERATION OF CHARTER AMENDMENTS RECOMMENDED BY THE CHARTER REVIEW BOARD IN ACCORDANCE WITH PART I, ARTICLE 2, SECTION 3 OF THE CITY CHARTER; SUBMITTING PROPOSED CHARTER AMENDMENTS CONCERNING THE VOTE REQUIRED FOR EXPENDITURE OF FUNDS EXCEEDING ONE MILLION DOLLARS; THE VOTE REQUIRED FOR AGREEMENTS INVOLVING FORT LAUDERDALE-HOLLYWOOD INTERNATIONAL AIRPORT; REPEAL OF CITY COMMISSION TERM LIMITS; ELECTION OF VICE-MAYOR FOR A TWO YEAR TERM; ABSENCE FROM REGULAR CITY COMMISSION MEETINGS; THE VOTE REQUIRED TO WAIVE QUALIFICATIONS FOR APPOINTMENT OF CITY MANAGER; FILLING OF VACANCIES ON THE CITY COMMISSION; QUALIFICATIONS OF APPRAISER FOR SALE OF CITY SURPLUS REAL PROPERTY; PROCEDURES AND RESTRICTIONS ON LEASES OF CITY OWNED REAL PROPERTY, AND THE MAXIMUM CONTRACT DURATION TERM FOR A CITY GARBAGE DISPOSAL CONTRACT; CALLING FOR A SPECIAL ELECTION ON THE PROPOSED AMENDMENTS TO THE CITY CHARTER TO BE HELD ON TUESDAY, NOVEMBER 8, 2016 IN CONJUNCTION WITH THE GENERAL ELECTION BEING HELD ON SUCH DATE; PROVIDING FOR REQUISITE BALLOT LANGUAGE; PROVIDING FOR PROCEDURES FOR BALLOTING; PROVIDING FOR NOTICE; PROVIDING FOR RELATED MATTERS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CHARTER; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, pursuant to Part I, Article 2, Section 3 of the City Charter, the City of Dania Beach Charter Review Board has recommended that certain revisions are needed to the City Charter and has submitted its recommendations of proposed amendments to the City Charter to the City Commission; and

**WHEREAS**, pursuant to Part I, Article 2, Section 3 of the City Charter and Section 166.031, Florida Statutes, the City Commission has considered the recommendation of the Charter Review Board and has determined to submit to the electors of the City for approval or

rejection only those amendments to the City Charter (the “Charter Amendments”) that are set forth in this Ordinance;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals Adopted.** That the foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and they are made a specific part of this Ordinance.

**Section 2. Charter Amendments.** That pursuant to Section 166.031, Florida Statutes, and subject to the approval of the electors as described in Section 8(A) below, the City Charter of the City of Dania Beach, Florida, is amended, by amending the City Charter Sections described below in Parts A - J, inclusive, of this Section 2, to read as follows<sup>1</sup>:

**Part A.** That Part I, “The Municipality of the City of Dania Beach”, Article 3, “Powers of the City”, Section 2, “Certain expenditures”, of the City Charter is amended to read as follows:

**Sec. 2. - Certain expenditures.**

Any agreement, commitment or any other action of any kind, pursuant to which the city shall or may become obligated to expend more than one million dollars (\$1,000,000.00) in city any funds available to the city, including funds made available to the Dania Beach Community Redevelopment Agency, either in connection with one transaction or cumulatively from a series of directly related transactions, or which has a direct net fiscal impact, as determined by the city finance director, upon city any funds exceeding that amount, shall require a four-fifths (4/5) vote of the city commission, as authorized in advance by adoption of an ordinance. There shall be two (2) public hearings on the ordinance and notice of each such hearing shall be published in a newspaper of general circulation within the city, at least ten (10) days before each such hearing.

**Part B.** That Part I, “The Municipality of the City of Dania Beach”, Article 3, “Powers of the City”, Section 3, “Airport matters”, of the City Charter is amended to read as follows:

**Sec. 3. - Airport matters.**

---

<sup>1</sup>Proposed additions to existing Charter text are shown by underlining; proposed deletions from existing Charter text are shown by ~~strike through~~.

Any agreement of any kind to which the city may be a party, which affects any city residents and which involves any expansion, modification, addition to or change to or of any lands associated with the Fort Lauderdale-Hollywood International Airport, shall require a ~~unanimous~~ four-fifths (4/5) vote of the city commission, as authorized in advance by adoption of an ordinance. There shall be two (2) public hearings on the ordinance and notice of each such hearing shall be published in a newspaper of general circulation within the city, at least ten (10) days before each such hearing.

**Part C.** That Part II, “Legislative Branch and Legislation”, Article 1, “City Commission”, Section 3, “Qualification of members”, of the City Charter is amended to read as follows:

**Sec. 3. - Qualification of members.**

(a) To be eligible to hold the office of city commissioner of the City of Dania Beach, or to qualify for nomination or election as such, the candidate shall be a bona fide resident and citizen of the City of Dania Beach, a resident of the State of Florida, and a citizen of the United States of America; shall be duly qualified to vote at city, state and national elections; shall be over the age of twenty-one (21) years; shall have resided in the city for at least one (1) year immediately preceding the date of election, as evidenced by City voter's registration documentation and shall be otherwise qualified as provided in this charter. Any commissioner who shall cease to possess the qualifications required in this section shall immediately forfeit his or her office.

~~(b) No commissioner shall serve more than eight (8) consecutive years in office (or, but for resignation, would have served for such period of time). After a full two (2) year interval out of office, such person may serve additional terms, subject to the foregoing requirements. This provision shall be retroactive, and shall take into account the present and past terms of the presently elected commissioners. The provisions of this section shall not apply to the time period served by a person who is appointed or elected to serve as a city commissioner to fill a vacancy occurring during a term. The provisions of this Section 3(b) apply to the terms of commissioners elected in March, 2009 and to those who are to be elected in March, 2011, even though their terms are or will be shortened by the change to regular municipal elections beginning in November, 2012, as provided by City Ordinance No. 2010-027.~~

**Part D.** That Part II, “Legislative Branch and Legislation”, Article I, “City Commission”, Section 5, “Election of mayor and vice-mayor”, of the City Charter is amended to read as follows:

**Sec. 5. - Election of mayor and vice-mayor.**

At the organizational meeting of the city commission to be held on Tuesday following the municipal election held in March 2011, and at each biennial organizational meeting held after each regular municipal election thereafter, the city commission candidate receiving the highest number of votes in such election shall become mayor for a term of two years. The candidate receiving the second highest number of votes shall become the vice-mayor for a term of ~~one~~ two years. ~~After the one year passes, a vice-mayor will be selected by the city commission from among its members and he or she shall serve until the next biennial organizational meeting. A commissioner may be selected to serve as vice-mayor for successive periods.~~ Any vacancy in the office of mayor shall be filled by the vice-mayor and a vacancy in the office of vice-mayor shall be filled by a vote of the city commission.

**Part E.** That Part II, “Legislative Branch and Legislation”, Article I, “City Commission”, Section 8, “Forfeiture of office”, of the City Charter is amended to read as follows:

**Sec. 8. - Forfeiture of office.**

Absence by any commissioner from two (2) consecutive regular meetings of the city commission shall operate to vacate the seat of such member, unless such absence is excused by the city commission (an absence where a commissioner is hospitalized or for which a written physician’s note is provided shall automatically be deemed an absence excused by the city commission). Any member of the city commission who shall be convicted of a felony while in office shall forfeit his or her office, unless such conviction be reversed. Any commissioner who shall cease to possess the qualifications required in this Charter to serve as a city commissioner shall immediately forfeit his or her office.

**Part F.** That Part III, “Administrative Officers and Departments”, Article 3, “City Manager”, Section 1, “Appointment, qualifications, compensation; powers and duties; suspension and removal”, of the City Charter is amended to read as follows:

**Sec. 1. - Appointment, qualifications, compensation; powers and duties; suspension and removal.**

The city commission shall appoint a city manager who shall be the administrative head of the municipal government under the direction and supervision of the city commission. Such appointment shall require at least a four-fifths (4/5) vote. He or she shall be chosen on the basis of his or her executive and administrative qualifications, and shall be over the age of twenty-one (21). The city commission may require the city manager to be a resident of the city during his or her term of employment.

The city commission shall establish additional minimum requirements which serve as basic qualifications for the selection and appointment of a city manager. One such minimum requirement and qualification shall be that the appointee shall possess a degree in public administration or an equivalent degree, issued by an institution which has a nationally recognized accreditation. An "equivalent degree" shall, for purposes of this section, include the type of degree possessed by any department head who reports to the city manager, such as a degree in engineering or public finance. Any person who does not meet the foregoing minimum requirements and qualifications may be appointed as city manager, but such appointment shall require a ~~unanimous~~ four-fifths vote of the city commission.

\* \* \*

**Part G.** That Part VI, "Registrations and Elections", Article 1, "Elections", Section 7, "Filling vacancies in the office of City Commissioner", of the City Charter is amended to read as follows:

**Sec. 7. - Filling vacancies in the office of city commissioner.**

~~In the event that a permanent vacancy arises in the office of the city commission, the city commission shall appoint a person who would otherwise be qualified as a candidate to the vacant position within sixty (60) days of the vacancy. Such person shall serve for the unexpired portion of the term of the position, but only until the very next City biennial election occurs, so that the remainder of the term, if any, may be filled at such election. On the first Monday following the appointment of a new member, the commission shall meet to receive such new member and to have the oath administered.~~

If there is a City Commissioner vacancy within one (1) year from the date of the last election, the vacant position will be offered to the next candidate who was not elected, who received the next highest number of votes at the last election. If that person declines or is unable to serve, the City Commission shall appoint a qualified resident (who would otherwise qualify as a candidate) to fill the remainder of the term, with the appointment to occur within thirty (30) days of the vacancy; if the Commission does not appoint within thirty (30) days, a special election will be held, within sixty (60) days.

If there is a City Commissioner vacancy after one (1) year from the date of the last election, the City Commission shall appoint a qualified resident to fill the remainder of the term within thirty (30) days; if the Commission does not appoint within thirty (30) days, a special election will be held thereafter within sixty (60) days.

If there is a City Commissioner vacancy which occurs within six (6) months before the next election, the City Commission shall appoint a qualified resident to fill the remainder of the term within thirty (30) days; if the City Commission does not appoint within thirty (30) days, the Commission shall draw by lottery a name from a qualified "pool" of candidates (each Commissioner will select the name of one candidate, and a name will be drawn from that pool by the City Clerk).

**Part H.** That Part X, “Miscellaneous Provisions”, Article 2, “Sale of Public Property”, Section 5, “Sale of surplus real property”, of the City Charter is hereby amended to read as follows:

**Sec. 5 - Sale of surplus real property.**

(a) Notwithstanding the other provisions of this article, the City of Dania Beach shall have the right to exchange, sell or convey real property acquired by the City of Dania Beach through enforcement or foreclosure of City liens and transfer of Lands Available for Taxes from Broward County, in accordance with the procedures stated in part (b) below.

(b) Procedures. The Commission must pass by resolution with a supermajority vote requiring four out of five Commissioners' assent, which resolution must include the following:

(1) A determination that the real property is surplus property and acquired by the City in a manner described in part (a) above;

(2) An authorization for the City Manager to enter into an exclusive listing agreement for a period of six months, with a registered real estate broker, who has obtained a business tax receipt to do business in the State of Florida. The real estate broker shall be selected by lottery from among the qualified brokers and shall be paid a reasonable and customary real estate commission by the seller;

(3) An appraisal of the real property by a state certified real estate appraiser ~~with MAI designation~~;

(4) An authorization for the City Manager to enter into a contract for sale of the real property and to close the contract for sale, so long as the purchase price is not less than ninety percent (90%) of the appraised value;

(5) The contract for sale of the real property executed by the City Manager shall be contingent upon approval by majority vote of the City Commission at an advertised public hearing held at a regularly scheduled commission meeting. If the fair market value of the surplus real property, as appraised by the state certified appraiser, is greater than \$100,000.00 then the contract for sale of the real property shall be contingent upon approval by a supermajority vote requiring four out of five commissioners' assent at an advertised public hearing held at a regularly scheduled commission meeting.

**Part I.** That Part X, “Miscellaneous Provision”, Article 3, “Leases”, Section 1, “Power”, of the City Charter is amended to read as follows:

## **Sec. 1 – Power.**

~~The City of Dania Beach is empowered to lease any lands, improvements, public buildings, recreational parks or facilities, public utility plants, or any public works or property of the city to any person, firm or corporation under the following conditions:-~~

~~(a) Leases of concession rights on, in or to public property of the City of Dania Beach operated in a proprietary capacity, except the I.T. Parker Community Center, for a period not exceeding one year, may be granted or executed upon a majority vote of the city commission at any time. Included in properties operated in a proprietary capacity are airports and airport property, public recreational facilities, golf courses, tennis courts, recreational halls, stadiums, football fields, baseball fields, playgrounds, public beaches (including all lands which are currently owned by the City of Dania Beach at Dania Beach), swimming pools, fishing piers, yacht basins, docks and wharves. The list which is enumerated is not exclusive but merely indicative of the class of public property deemed to be operated in a proprietary capacity. A lease of the I.T. Parker Community Center for a term of more than thirty (30) days in any one year period shall not be entered into by the city except after an advertised public hearing and a referendum election to determine whether or not such property should be leased for a term exceeding thirty (30) days and to approve the terms and considerations of such lease. A lease of the property known as the Dania Beach Grille shall not include any concession rights for the beach area outside the boundaries of the property on which the Beach Grille is located. Concession right for all other areas of Dania Beach shall be by separate lease agreements.-~~

~~(b) Leases of public property, as set forth in paragraph (a), of the City of Dania Beach, operated in a proprietary capacity, in order to permit the lessee to construct buildings or improvements to be used in connection with an existing facility, and in a manner not detrimental or harmful to the operation of the proposed facility, may be authorized for a period of time not exceeding twenty (20) years, by ordinance of the city commission duly enacted in accordance with law, and without regard to the amount of capital investment the lessee may make unless a minimum capital investment is set forth in any bids and specifications of the city should the city determine, solely within its discretion, to advertise for bids for the lease on a competitive bid basis. However, there shall never be any mandatory duty on the part of the city to advertise for the leasing of any municipal lands, owned in a proprietary capacity, on a competitive bid basis. Specifically, at all times and with regard to all leases of municipal property owned in a proprietary capacity, the city commission shall have the right to negotiate for the leasing of such property without the necessity of competitive bidding.-~~

~~(c) Leases of public property, as set forth in paragraph (a), of the City of Dania Beach, operated in a proprietary capacity, may be negotiated by the City of Dania Beach for a term in excess of twenty (20) years upon a four fifth (4/5) vote of the members of the city commission on a noncompetitive bid basis, provided that the lessee agrees to make a substantial capital investment within two and one half (2-1/2) years after the beginning date of the lease, with such capital investment to be expended for the purpose of making leasehold improvements on the lands which are the subject of the lease. The lease shall specify the type of leasehold improvements (in general language) to be made. However, without limitation on such type of improvements, it may include, for example, restaurant buildings, retail store units which are incidental to restaurant enterprises, gift shops, curio shops, souvenir shops, wharves, boat docking facilities,~~

~~nightclubs, cocktail lounges and all types of recreational facilities. In addition, residential units may be constructed and used by employees of any of such types of facilities.~~

~~(d) In order to encourage a lessee to make capital expenditures or capital investments of a continuing nature throughout the entire term of the lease, when the lease is executed under the provisions of paragraph (c) concerning a lease in excess of twenty (20) years, the provisions of this paragraph (d) may be applicable to all leases in excess of twenty (20) years, executed under the provisions of paragraph (c) above. As to a lease executed under the provisions of paragraph (c), or any renewals which the city commission may later make during the term of the beginning lease, the lessee in the beginning lease shall have no vested or absolute right of renewal as to any further renewals of the basic or beginning lease and the city shall have the right to negotiate with third parties regarding the renewal of a lease executed under the provisions of paragraph (c). In the event that the city does negotiate with a third party to renew the aforesaid type of lease agreement (during the beginning term or after the expiration of the beginning term or during any renewal), the lessee in the original lease shall have the right to offer to lease the property described in the beginning lease under the exact same terms and conditions as any third party offeror. However, if the lessee under the beginning lease (or any renewal) offers to lease for an additional term of years under the same terms and conditions as stated in the lease agreement which is then expiring and if the city elects to lease the property to a third party offeror (rather than to the lessee under the beginning leasehold term or any renewal), the lessee under the beginning lease (or any renewal) may be entitled to receive (in cash) from the city at the expiration of the leasehold term and, provided that the lessee is not then in default under any of the terms and conditions of the lease, an amount equal to the difference between the appraised value of all leasehold improvements made during the entire term of the lease with the appraised value to be determined at the end of the lease and the accumulated depreciation taken by the lessee for income tax purposes of such leasehold improvements during the term of the lease (and during the term of any renewals if the beginning lessee has renewed the original lease). Specifically, without limitation on the foregoing and merely as a statement of general intent it is one of the purposes of this paragraph (d) to grant to the lessee the right to recover the difference between the appraised value of all leasehold improvements made by the lessee (during the entire term of the beginning lease and any renewals) and the accumulated depreciation taken for income tax purposes by the lessee of such leasehold improvements during the term of the lease (and any renewals), all on the premise and general understanding that the lessee negotiates in good faith with the city to renew the lease for a renewal term (having the same term of years as the original lease or any renewal lease if the lessee renews the original lease) and on the further premise that the city then elects to lease the property in question for a renewal term to a third party lessee, notwithstanding the fact that the original lessee has offered to renew the lease under the same terms and conditions as are stated in the lease between the city and the third party lessee. Further, if at the expiration of the original lease or any renewals of it, the city itself elects to operate the enterprise originally covered by the type of lease which is the subject of this paragraph, the original lessee (under the beginning lease or any renewals of it) shall have the right to recover the difference between the appraised value of all leasehold improvements made by the lessee and the accumulated depreciation taken by the lessee for income tax purposes on such leasehold improvements during the term of the lease.~~

~~(e) On condition that the lessee, in a lease exceeding twenty (20) years and of the type provided in paragraph (c), pays to the city a reasonable consideration (in an amount to be determined~~



~~solely by the city commission within its discretion) the city shall have the right to enter into a lease of the type provided by paragraph (c), for a term in excess of twenty (20) years with the effective, or beginning, date of the term of the lease to be no more than one year after the actual execution of the lease.~~

~~(f) Any and all amendments, modifications, extensions and renewals of a lease exceeding twenty (20) years as described above in paragraphs (c), (d) and (e) shall be approved only upon an affirmative four-fifths (4/5) vote of the members of the city commission.~~

Sec.1.1: Leases for not more than one year.

The city is empowered to lease or grant concessions for a period not exceeding one (1) year in any public property, upon a majority vote of the city commission. Included in properties which may be leased are public recreational facilities, tennis courts, recreational halls, football fields, baseball fields, playgrounds, public beaches, swimming pools, fishing piers, docks and wharves; the list enumerated is not exclusive but merely indicative of the class of public property deemed to be operated by the city in a proprietary capacity. The provisions of this section shall also be applicable to leases to civic or charitable organizations, public nonprofit corporations, and like organizations, for leases not exceeding one (1) year.

Sec. 1.2: Leases with governmental entities or agencies for governmental purposes.

The city is empowered to lease to other governmental entities or agencies for governmental purposes, for periods of up to and including twenty-five (25) years, any property of the city, without the necessity for submitting the same to competitive bidding, upon such terms and conditions as the city commission shall by resolution determine. Any and all such leases previously entered into by the city are ratified and confirmed.

Sec. 1.3: Leases of parking spaces in parking facilities owned or operated by the city.

Notwithstanding anything to the contrary in these provisions, the city is empowered to lease or concession, by negotiation and without competitive bidding, to private persons, firms or corporations for nonpublic purposes, parking spaces in parking facilities owned or operated by the city, for a period of not more than fifty (50) years.

Sec. 1.4: Leases for more than one year and up to but not more than twenty-five (25) years.

The city is empowered to lease or concession to private persons, firms or corporations, for nonpublic purposes, any lands, improvements, public buildings, recreational parks or facilities, public beaches, public utility plants, or any public works or public property of any kind including air space over public property owned or operated by the city and not needed for governmental purposes, whether used in a governmental or in a proprietary capacity, for a period of up to but not exceeding twenty-five (25) years, plus such length of time, not to exceed five (5) years, if determined by the city commission to be reasonably necessary to complete construction of any improvements proposed for the premises to be leased by such persons, firms or corporations. Each lease shall be authorized only after a public hearing, under authority of a resolution duly

adopted at a meeting duly held at a designated meeting, under the following conditions:

(a) One (1) of the conditions for leasing such public property may be obligations of the lessee to construct on the property buildings or improvements to be used in connection with an existing facility, or to construct improvements on the property, if same is vacant, and in a manner not detrimental or harmful to the operation of any existing facility. In no event shall the fee title of the city be subordinated except upon terms and conditions as approved by the city commission.

(b) The city commission shall adopt a resolution at a regular meeting of the city commission specifying the facility to be leased, described by a legal description and giving its location by street number, if any, and a description of all improvements, if any, located upon the land, and shall declare how the land and improvements have been used since they have belonged to the city and the reasons for offering such land and improvements for lease.

(c) At any time, not less than thirty (30) days nor more than sixty (60) days after the adoption of such resolution, the land and improvements shall be offered upon competitive conditions for lease as desired and a notice shall be published by the city in the official newspaper for two (2) issues prior to the date set for receiving such bids for lease, with the first publication not less than ten (10) days before the date of receiving bids and the second publication one (1) week after the first, specifying the date when sealed bids shall be received by the city commission for the lease of the publicly owned lands and facilities. The sealed bids must be accompanied by a cashier's check or certified check payable to the city in an amount equal to at least ten (10) percent of the first year's proposed rental. The city commission, in offering such public property or public owned facility for lease, shall set out in the resolution and notice such terms and conditions as deemed pertinent under which the land, facility or both will be leased and the number of years for which the land, facility or both shall be leased. The city commission shall consider any and all proposals and accept the proposal which, in its judgment, shall be the most advantageous lease for the city, however, the city commission may reject any and all bids. Upon the city commission approving any proposal submitted as provided in these provisions, a proposal, if acceptable, shall be accepted by resolution, authorizing preparation of the lease, provided a valid referendum petition has not been filed. If before the day advertised for receiving bids for lease of such property, a referendum petition is filed with the city clerk signed by fifteen (15) percent of the city's registered voters, demanding a referendum election upon the question of leasing such land, facility or both, no lease shall be executed by city officials until after approval by a majority of the voters participating in such referendum election. Such referendum election shall be called and held as provided in this charter.

(d) The resolution accepting the bid shall require the preparation of a form of lease for execution, embodying the terms and conditions of the bid and other legal requirements, for submission to the city commission at its next regular meeting or at a designated meeting. At least three (3) days before the meeting date, the lease shall be posted on a public bulletin board by the city clerk and each city commissioner shall be given a copy

of the lease with a covering summary letter, provided, however, that in case of emergency, such procedure may be waived by the affirmative vote of three (3) of the city commissioners. The city attorney or city manager shall be required to give a summary of the lease to the public at such meeting which meeting shall be open to the public. The public shall have an opportunity to speak or object to the terms and conditions of such lease. If the city commission is satisfied with the terms and conditions of such lease, it shall adopt a resolution authorizing execution of such lease by the proper city officials upon compliance upon the part of the lessee. Amendments to such lease may be made from time to time by mutual consent, observing the same formality as in the original lease.

Sec. 1.5: Leases for more than twenty-five (25) years.

Prior to the conveyance, assignment, lease or management agreement for a term of twenty-five (25) years or greater (including options), for any city land, facility or both, the city commission shall hold a minimum of two public hearings, at least twenty (20) days apart, in order to obtain public input concerning the proposed conveyance, assignment, lease or management agreement. The first public hearing shall be held to determine whether to solicit offers or proposals for the subject land, facility or both. The second public hearing shall be held to rank the offers or proposals. The notice of a proposed conveyance, lease or management agreement for a term of more than twenty-five (25) years (including options), of any of the city's lands, facilities or both shall be advertised on the city's website at least ten (10) days prior to each public hearing. The city shall also post a sign on the real property, the facilities, or both, stating that it or they are subject to the proposed conveyance, lease or management agreement, which includes the date, time and location of each public hearing and a telephone number to call for additional information. The sign shall remain on the subject site until after the final public hearing. The sign shall be posted in a location that is clearly visible from the adjacent rights-of-way.

**Part J.** That Part X, "Miscellaneous Provisions", Article 4, "Contracts", Section 2, "Approval by City Commission of certain contracts", of the City Charter is amended to read as follows:

**Sec. 2. - Approval by city commission of certain contracts.**

The city shall have the right to contract for the disposal of garbage, trash, waste and all types of debris by direct negotiation for such services without competitive bidding and without advertisement for bids for periods of time not to exceed ~~twenty (20)~~ five (5) years, with the option to renew for one additional five (5) year period thereafter.

**Section 3. Election Called.** That a special election is called for Tuesday, November 8, 2016, in conjunction with the general election being held on such date, to present to the electors

of the City of Dania Beach (the "City"), each of the ballot questions provided in Section 4 of this Ordinance.

**Section 4. Form of Ballot.**

A. That the form of ballot for the Charter Amendments provided for in Section 2 of this Ordinance shall be substantially as follows:

**Charter Amendment Ballot Questions**

**(1) Vote Required for Expenditure of Funds Exceeding One Million Dollars**

The City Charter currently requires a four-fifths vote of the City Commission before the City may spend more than One Million Dollars in City funds for any transaction or series of transactions. It is proposed that the City Charter be amended to require such vote for expenditures exceeding more than One Million Dollars of any funds available to the City, including funds of the City's Community Redevelopment Agency.

Shall the above-described Charter amendment be adopted?

[ ] YES

[ ] NO

**(2) Vote Required for Agreements Involving the Fort Lauderdale-Hollywood International Airport**

The City Charter currently requires a unanimous vote of the City Commission to approve any City agreement that affects City residents and involves any airport expansion, addition or changes to lands associated with the Fort Lauderdale-Hollywood International Airport. It is proposed that the City Charter be amended to require a four-fifths vote to approve such agreements.

Shall the above-described Charter amendment be adopted?

[ ] YES

[ ] NO

**(3) Repeal of City Commission Term Limits**

The City Charter currently provides that no City Commissioner shall serve more than eight consecutive years unless a two-year interval first occurs before a person may again seek election.

It is proposed that the Charter be amended to remove such term limits for service on the City Commission.

Shall the above-described Charter amendment be adopted?

☐ YES

☐ NO

**(4) Election of Vice-Mayor for a Two-Year Term**

The City Charter currently provides that the person receiving the second highest number of votes at an election becomes the Vice-Mayor of the City Commission for one year; after one year, the City Commission appoints a Vice-Mayor for the following year. It is proposed that the Charter be amended to provide that the term for the Vice-Mayor shall be for two years.

Shall the above-described Charter amendment be adopted?

☐ YES

☐ NO

**(5) Absence from Regular City Commission Meetings**

The City Charter currently provides that a Commissioner who is absent from two consecutive regular City Commission meetings shall lose his or her office, unless such absence is excused by the City Commission. It is proposed that the Charter be amended to provide for an automatic excused absence if a Commissioner is hospitalized or a written physician's note is provided for an absence from a regular Commission meeting.

Shall the above-described Charter amendment be adopted?

☐ YES

☐ NO

**(6) Vote Required to Waive Qualifications for Appointment of City Manager**

The City Charter currently provides that the City Manager must meet certain minimum qualifications to be appointed, including possessing a degree in public administration or an equivalent degree. The qualifications can be waived upon a unanimous vote of the City Commission to appoint the City Manager. It is proposed that the City Charter be amended to provide for waiver of the qualifications upon a four-fifths vote to appoint.

Shall the above-described Charter amendment be adopted?

☐ YES

☐ NO

**(7) Filling of Vacancies on the City Commission**

The City Charter currently provides that City Commission vacancies are to be filled by Commission appointment within sixty days after the vacancy arises. It is proposed that the Charter be amended to provide for vacancies to be filled by certain procedures that vary based on the time period between when the vacancy occurs and the date of the last election or the date of the next election.

Shall the above-described Charter amendment be adopted?

☐ YES

☐ NO

**(8) Qualifications of Appraiser for Sale of City Surplus Real Property**

If the City proposes to declare any City owned real property to be surplus and no longer needed for public purposes, the City Charter currently requires an appraisal of the property by an appraiser who holds a Member of Appraisal Institute (“MAI”) designation. It is proposed that the City Charter be amended to remove the requirement that the appraiser hold an MAI designation.

Shall the above-described Charter amendment be adopted?

☐ YES

☐ NO

**(9) Procedures and Restrictions on Leases of City Owned Real Property**

The City Charter currently contains separate provisions for leases of City-owned property based on whether the lease term is less or greater than twenty years. It is proposed that the Charter be amended to provide new procedures and restrictions for such leases based on the type of lease and whether the lease is less than one year, less than twenty-five years, or twenty-five years or more.

Shall the above-described Charter amendment be adopted?

☐ YES

☐ NO

**(10) Maximum Contract Term for a City Garbage Disposal Contract**

The City Charter currently provides that the City can contract for garbage and trash disposal by negotiation with a waste hauler, without competitive bidding and without bid advertisement, for a contract period not to exceed twenty years. It is proposed that the Charter be amended to provide for a maximum contract term of five years, with one option to renew for an additional five years thereafter.

Shall the above-described Charter amendment be adopted?

☐ YES

☐ NO

(B) The order of presentation of the above listed ballot items on the ballot may be revised pursuant to Section 8 below. The ballot questions and corresponding Notice of Election may be revised by Commission resolution.

**Section 5. Vote at Polls.** That balloting shall be conducted between the hours of 7:00 a.m. and 7:00 p.m. on the date of the election, and early and absentee balloting (also known as vote-by-mail ballot) shall also be permitted as provided in conjunction with the general election. Polling places shall be those polling places provided for the general election for the electors of the City, pursuant to applicable laws. All qualified City electors who are timely registered in accordance with law shall be entitled to vote. The City Clerk is authorized to obtain any necessary election administration services from the Broward County Supervisor of Elections. The County registration books shall remain open at the Office of the Broward County Supervisor of Elections office until October 11, 2016, as provided by law, at which date the registration books shall close in accordance with the provisions of the general election laws. The City Clerk and the Broward County Supervisor of Elections are each authorized to take all appropriate action necessary to carry into effect and accomplish the electoral provisions of this Ordinance.

**Section 6. Notice of Special Election.** That notice of the special election shall be published in accordance with Section 100.342, Florida Statutes, in a newspaper of general

circulation within the City at least thirty (30) days prior to the election, the first publication to be in the fifth week prior to the election, and the second publication to be in the third week prior to the election, and shall be in substantially the following form:

“NOTICE OF SPECIAL ELECTION  
PUBLIC NOTICE IS GIVEN THAT PURSUANT TO AN ENABLING ORDINANCE DULY ADOPTED BY THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA (THE "CITY"), AN ELECTION HAS BEEN CALLED AND ORDERED TO BE HELD WITHIN THE CITY ON TUESDAY, NOVEMBER 8, 2016, BETWEEN THE HOURS OF 7:00 AM AND 7:00 PM, AT WHICH TIME THE FOLLOWING CHARTER AMENDMENT PROPOSITIONS SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY.

Those certain proposed amendments to the City Charter are commonly referred to by the following ballot titles:

- (1) Vote Required for Expenditure of Funds Exceeding One Million Dollars
- (2) Vote Required for Agreements Involving Fort Lauderdale-Hollywood International Airport
- (3) Repeal of City Commission Term Limits
- (4) Election of Vice-Mayor for a Two Year Term
- (5) Absence from Regular City Commission Meetings
- (6) Vote Required to Waive Qualifications for Appointment of City Manager
- (7) Filling of Vacancies on the City Commission
- (8) Qualifications of Appraiser for Sale of City Surplus Real Property
- (9) Procedures and Restrictions on Leases of City Owned Real Property
- (10) Maximum Contract Term for A City Garbage Disposal Contract

Polling place information, as well as the full text of the proposed City Charter amendments and the enabling ordinance for this election, is available at the Office of the City Clerk, located at:

100 West Dania Beach Boulevard,  
Dania Beach, FL 33004.



Contact: Louise Stilson, City Clerk”

**Section 7. Copies.** That copies of this Ordinance proposing the Charter Amendments are on file in the office of the City Clerk located at 100 West Dania Beach Boulevard, Dania Beach, Florida 33004, and are available for public inspection during regular business hours.

**Section 8. Effectiveness.**

A. That the Charter Amendments provided for in Section 2 of this Ordinance shall become effective if the majority of the qualified electors voting on the specific Charter Amendment, as described in the ballot summaries of Section 4(A)(1)-(10) of this Ordinance, vote for its adoption, and it shall be considered adopted and effective upon certification of the election results. If conflicting Charter Amendments are adopted at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict. The City Clerk and City Attorney are authorized to revise the Charter to the extent necessary to assure that any amendments adopted conform to one another and are properly included in the publication of the revised City Charter. Further, in the event that some, but not all, of the Charter Amendments are approved by the electors, conforming amendments shall be deemed to be adopted and the City Clerk and City Attorney are authorized to reflect and implement such revisions of the Charter, to the extent necessary to assure that all amendments adopted conform to one another and to all remaining Charter provisions.

B. That following adoption of the Charter Amendments, the City Clerk shall incorporate the adopted Charter Amendments into the City Charter and shall file the revised City Charter with the Office of the Secretary of State as required by Section 166.031, Florida Statutes.

**Section 9. Implementation.** That in accordance with those Charter Amendments which are adopted by the majority of the electors voting, the City Manager and City Officials having jurisdiction shall proceed to take any actions necessary to implement the revised City Charter.

**Section 10. Inclusion in the Charter.** That subject to the requirements of Section 8(A) above, it is the intention of the City Commission and it is provided that the Charter Amendments shall become and be made a part of the Charter of the City of Dania Beach, Florida and that the Sections of this Ordinance may be renumbered or relettered to accomplish such intention.

**Section 11. Canvassing of Election Returns.** That the election returns of this election on the Charter Amendments shall be canvassed by the Broward County Canvassing Board, unless otherwise provided by law.

**Section 12. Severability.** That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 13. Effective Date.** That this Ordinance shall become effective immediately upon adoption on second reading.

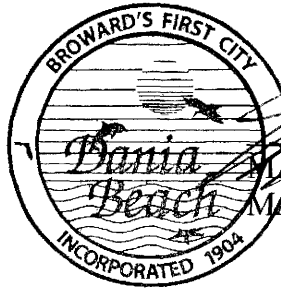
**PASSED** on first reading on May 10, 2016.

**PASSED AND ADOPTED** on second reading on May 24, 2016.

ATTEST:

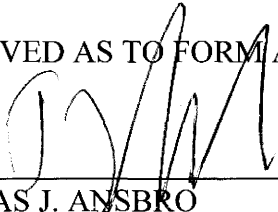


LOUISE STILSON, CMC  
CITY CLERK



MARCO A. SALVINO, SR.  
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:



THOMAS J. ANSBRO  
CITY ATTORNEY